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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/741,533

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Thomas M. Slaight

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EXAMINER

CLOUD, JOIYA M

ART UNIT

PAPER NUMBER

2444

NOTIFICATION DATE

DELIVERY MODE

04/03/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/741,533	<b>Applicant(s)</b> SLAIGHT, THOMAS M.	
	<b>Examiner</b> Joiya M. Cloud	<b>Art Unit</b> 2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/19/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is in response to the communication filed 01/05/2009, in which claims 1-39 are PENDING. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., "*generating a list of one or more identifiers for one or more broadcast domains;*" and will require further search and consideration to the claims which significantly affected the scope thereof.

#### ***Claim Objections***

Claim 7 is objected to because of the following informalities: Examiner notes the typo of claim 7 has been interpreted to be read "excluded from" as similar claims. Thus the strikethrough appears to be a typographical error. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1-39 rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ichikawa (**US Patent No. 6,307, 837 B1**).

As per claim 1, Ichikawa teaches generating a list of one or more identifiers for one or more broadcast domains (**col. 3, lines 37-46 and Table 1, Terminal Information Table**); accepting a segment of data from a host system, a portion of the segment identifying a broadcast domain (**col. 9, lines 11-24**); comparing the portion of the segment with an identifier for a selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); and excluding the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain (**col. 9, lines 25-29**).

As per claim 2, Ichikawa teaches wherein the host system comprises a computer system having a protocol stack configured to generate data packets (**col. 7, lines 7-16 and Figure 4**).

As per claim 3, Ichikawa teaches wherein the segment of data comprises a frame including one of the data packets (**col. 8, lines 55-60**).

As per claim 4, Ichikawa teaches wherein the portion comprises a VLAN ID (**col. 7, lines 7-19**).

As per claim 5, Ichikawa teaches wherein the VLAN ID is configured according to an IEEE 802.1Q VLAN protocol (**col. 1, lines 9-30 and col. 7, lines 7-19**).

As per claim 6, Ichikawa teaches further comprising generating the VLAN ID based on a network address (**col. 7, lines 7-19, col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 7, Ichikawa teaches the method wherein the segment is excluded from transmission from the host system if the portion corresponds to the identifier (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 8, Ichikawa teaches wherein the segment is excluded from transmission from the host system if the portion does not correspond to the identifier (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 9, Ichikawa teaches wherein the excluding comprises blocking the segment from being transmitted from the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 10, Ichikawa teaches wherein the excluding comprises intentionally corrupting the segment so that the segment is discarded from traffic received over a network connection (**col. 9, lines 11-24**).

As per claim 11, Ichikawa teaches wherein the identifier is inaccessible by the host system (**col. 8, lines 55-65**).

As per claim 12, Ichikawa teaches wherein the identifier is inaccessible by the host system after a boot phase (**col.1, lines 65-col. 7, lines 1-5**).

As per claim 13, Ichikawa teaches wherein the segment is accepted from the host system over a data bus (**Figure 1**).

As per claim 14, Ichikawa teaches accepting a second segment of data from a physical layer network interface, a portion of the second segment identifying a broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); comparing the portion of the second segment with an identifier for a broadcast domain associated with the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**); and sending the second segment to the host system if the portion of the second segment corresponds to the identifier for the broadcast domain associated with the host system (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 15, Ichikawa teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system (**col. 3, lines 37-54**).

As per claim 16, Ichikawa teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system after a boot phase (**col. 3, lines 37-54**).

As per claims 17-26, claims 17-26 are substantially the same as claims 1-4 and 7-12 respectively, but in apparatus form rather than method form. Therefore, the rejection for claims 1-4 and 7-12 applies equally as well to claims 17-26.

As per claim 27, Ichikawa discloses a host system (**Figure 1**); an interface to establish a network connection between a network and the host system (**Figure 1 and col. 7, lines 26-30**); and a network controller configured to accept a segment of data from the host system, a portion of the segment identifying a broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**); compare the portion of the segment with an identifier for a selected broadcast domain; and exclude the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain (**col. 9, lines 12-29 and col. 10, lines 42-67**).

As per claim 28, Ichikawa discloses a management system having a protocol stack configured to generate management packets (**col. 9, lines 46-50**).

As per claim 29-37, claims 29-37 are substantially the same as claims 2-4 and 7-12 respectively, but in system form rather than method form. Therefore, the rejection for claims 2-4 and 7-12 applies equally as well to claim 29-37.

As per claim 38, system comprising: a router **(Figure 1)**; a host system **(Figure 1)**; an interface to establish a network connection between the router and the host system **(Figure 1)**; and a network controller configured to accept a segment of data from the host system, a portion of the segment identifying a broadcast domain **(col. 9, lines 12-29 and col. 10, lines 42-67)**; compare the portion of the segment with an identifier for a selected broadcast domain **(col. 9, lines 12-29 and col. 10, lines 42-67)**; and exclude the segment of data from transmission from the host system based on the comparison between the portion of the segment and the identifier for the selected broadcast domain **(col. 9, lines 12-29 and col. 10, lines 42-67)**.

As per claim 39, Ichikawa teaches wherein the portion comprises a VLAN ID **(col. 7, lines 7-19, col. 9, lines 12-29 and col. 10, lines 42-67)**.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*JMC*

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2444

March 28, 2009



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